IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 7926 of 2005
Date of decision : 8.5.2007

Residents of Village Raliawas, Pachgaon, Jadthal, Kasiake, Panchor and Niganiawas

....Petitioner through none

Versus

State of Haryana and others

...Respondents through Mr.Randhir Singh, Addl.A.G., Haryana, Mrs.Daya Chaudhary, Asstt.Solicitor General General of India and Mr.Sanjeev Bansal, Advocate

CORAM : HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Vijender Jain, Chief Justice (Oral)

On the last date of hearing nobody was present on behalf of the petitioner. Today in the morning a pass-over was sought which was granted. Now when the matter has been taken up for hearing, nobody is present for the petitioner.

In view of the affidavit filed by the respondent No.6 that he has constructed the hotel on the land measuring 37 kanal 4 marla owned by the company – M/s Rajeb Resort (P) Ltd. in village Khajuri

and the said area of village Khajuri falls outside the controlled and urban area declared and notified by the Department of Town and Country Planning and no change of land use is required to be obtained for the construction of the hotel. However, respondent No.6 has obtained a no objection certificate from the concerned authority for use of the land for non-agricultural purpose in the year 1996, vide Annexure R-6/3 and has also obtained no objection certificate for the construction of hotel from the Public Works Department, vide Annexure R-6/4. The said respondent has also obtained three star classification from the Department of Tourism, Government of India and the hotel is operational since the year 1994-95. It is further stated in the affidavit that there is no report of the Central Water Authority with regard to shortage of water at the place where tube-well has been installed to draw potable water.

Similarly, a report has also been filed by the Deputy Commissioner, Rewari – respondent no.2 who has categorically stated that on the basis of the report obtained from Naib Tehsildar, Dharuhera and SDO, Rewari, respondent No.6 has taken water through the pipe line laid in khasra no.45 (Gair Mumkin Rasta) of village Panchgaon and khasra no.48 (Gair Mumkin Rasta) and Phirni of village Raliawas and not from the land owned and possessed by any private person including the petitioner. It has also been stated in the report of the Deputy Commisioner, Rewari that respondent no.6 has laid the pipe line with the consent of Gram Panchayat of village Panchgaon and other people of the village whereas the consent of Gram Panchayat, Raliawas has not been obtained but some person

including Ex-Sarpanch and Lambardar gave their consent.

From the totality of the circumstances it seems that the petitioner has approached this Court with ulterior motive and to harass the respondents. It has also wasted the time of this Court. There is no public interest involved. We dismiss this petition with costs of Rs.10,000/-.

(VIJENDER JAIN)
CHIEF JUSTICE

8.5.2007

(MAHESH GROVER)
JUDGE

dss